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January 10, 2024

Via Electronic Filing

The Honorable Arun Subramanian, U.S.D.J.
U.S. District Court, Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Van Duser et al v. Tozzler Ltd. et al*
Case No.: 1:23-cv-09329-AS

Dear Honorable Judge Subramanian,

This law firm is counsel to Defendants Tozzler Ltd., Lapizza Shop, Inc., Bowery Tech Restaurant LLC (collectively, the “Corporate Defendants”), Jonathan Toubin, Johnny Yerington a/k/a “Johnny T,” Jesse Malin, and Laura McCarthy (collectively, “Individual Defendants”, and collectively with the Corporate Defendants, the “Defendants”) in the above-referenced matter.

Pursuant to Your Honor’s Individual Motion Practice Rules 3(E), this letter respectfully serves to request an adjournment of the initial case conference scheduled for January 30, 2024 [*see* Dckt. No. 6], to a date and time after February 19, 2024.

This is the first request of its nature, and is made on consent of counsel for Plaintiffs Natasha Van Duser, Jackson Lea, Charlotte Mason, Tristan Hsu, Morgann Daniels, America Rose Marvelous Herve, Ryan Mickelsen, Kayl Ward, Stephanie Ospina, Zoë Fromer, Nicole Irrizarry and Julieta Winters (collectively, the “Plaintiffs”). If granted, this request would not affect any other scheduled deadlines. The basis of the request is that Defendants’ deadline to answer Plaintiffs’ Complaint [Dckt. No. 1] (the “Complaint”) has been set for February 19, 2023. [*See* Dckt. No. 18]. Defendants respectfully require additional time to investigate the allegations of Plaintiff’s Complaint, before the scheduling of an initial case conference.

In light of the foregoing, it is respectfully requested that the Court adjourn the initial case conference scheduled for January 30, 2024 [*see* Dckt. No. 6], to a date and time after February 19, 2024.

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

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The January 30 conference is rescheduled for
February 29, 2024, at 12:30 p.m.
SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: January 10, 2024